

Notice of Allowability

Application No.

09/926,662

Examiner

ARMANDO RODRIGUEZ

Applicant(s)

ARIGA ET AL.

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on March 10, 2004.
2. ☒ The allowed claim(s) is/are 1-6,8 and 10.
3. ☒ The drawings filed on 29 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

Claims 1-6,8,10 are pending.

Claims 7 and 9 have been canceled.

The 35 USC 112 rejection of claims 6,8 and 10 has been withdrawn based on applicant's amendment and arguments filed on March 10, 2004.

Response to Arguments

Applicant's arguments, see pages 8-10, filed March 10, 2004, with respect to the rejection(s) of claim(s) 6,8 and 10 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Allowable Subject Matter

Claims 1-6,8 and 10 are allowed.

The following is an examiner's statement of reasons for allowance:

After reviewing applicant's amendment, arguments and conducting an updated search none of the cited prior arts alone or in combination discloses the claimed laser device having the recited limitations of independent claims 1,5,6,8 and 10.

Regarding claims 1-3,

None of the cited prior arts disclose the laser device having the recited heating means for heating gases surrounding the light shielding element to maintain a uniform temperature, thereby obtaining a high quality output beam.

Regarding claims 5,6,8 and 10,

None of the cited prior arts disclose the laser device having the recited light shielding element composed of a solid for shaping the transmitted light and reflecting the undesired light, where the solid material prevents gases from existing in the light transmitting area to maintain a uniform temperature, thereby obtaining a high quality output beam.

The closest reference pertaining to claims 5,6,8 and 10 is Kumazaki et al (PN 6,731,666), where the reference discloses the use of a light shielding prism within a laser module, however, applicant has fulfilled the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as evidence by the PCT/DO/EO/903 371 acceptance notice filed on February 22, 2002 and by the Bibliographic Data Sheet, thereby applicant's filing date is the international filing date June 1, 2000 in accordance with Article 11(3) and 35 USC 363, as such the Kumazaki et al reference is disqualified as prior art. See MPEP 1893.03(b).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kumazaki et al (PN 6,731,666), Takehisa et al (PN 6,560,269) and Wakabayashi et al (PN 6,526,086).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARMANDO RODRIGUEZ whose telephone number is 571-272-1952. The examiner can normally be reached on 9:00 AM - 5:00 PM.

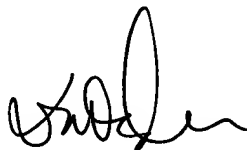
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DON WONG can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARMANDO RODRIGUEZ
Examiner
Art Unit 2828

 Don Wong
Supervisor
Art Unit 2828

AR/DW



DAVID VU
PRIMARY EXAMINER